

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Treasuries and Accounts (Gazetted)-Sri B.Radhaiah, Sub Treasury Officer (Retd.) District Treasury, Nellore – Disproportion of Assets – Charges Framed Held Proved – Acquitted by the ACB Court, Nellore - Implementation of Orders of Hon'ble High Court of Andhra Pradesh - Sanction of Service Pension – Orders – Issued

FINANCE (ADMN.I) DEPARTMENT

G.O.RT.No. 2374

**Dated:04.09.2014
Read the following:-**

1. G.O.Rt.No.587, Finance (Admn.I) Department, dt.15.03.2002.
2. G.O.Ms.No.382, Finance (Admn.I) Department, dt.15.03.2002.
3. Government Memo.No.47675-A/170/Admn.Vig/A1/1998, dt.11.03.2004.
4. Orders of Hon'ble A.P. Administrative Tribunal in O.A.Nos.4709 of 2002 3004 of 2004 2005,dt.09.12.2004.
5. Judgement in C.C.No.13/2001 of Court of the Special Judge for SPE and ACB Cases, Nellore, Dt.19-01-2009.
6. RC.No.143/RCA-NNL/1998, Dt.21.04.2009 of the DG,ACB,A.P., Hyderabad.
7. Orders of Hon'ble High Court in W.P.Nos.19035 & 25640 of 2005, dt.31.12.2013.
- 8.Law Department's U.O.No.925/4/I/2014,dt.20.03.2014.

ORDER:

Sri. B.Radhaiah, S.T.O.(Retd.) retired from Service on Superannuation on 30-06-2000. Subsequently, a criminal case was booked by Anti-Corruption Bureau on 04.06.2001 in the Court of Special Judge for SPE & ACB Cases, Nellore.

2. Simultaneously, the Departmental enquiry was also ordered by appointing Sri Jagan Mohan Goud the then Deputy Director, Ongole,Prakasham District as Inquiry Officer and Sri SurendraBabu, the then District Treasury Officer, Nellore as Presenting Officer in the reference 1st and 2nd read above. During the Enquiry, out of the following three charges, Charge-I, Charge-II held proved and Charge-III partly proved:

- I. That Sri B.Radhaiah, STO, formerly at the District Treasury, Nellore, while working in various capacities during the period from 09.06.1996 to 26.09.1998 obtained loans from the private companies and participated in chits organized by the private firms without prior sanction of the Government and thereby violated that provisions under Rule 8(1) (a) & (3) of Andhra Pradesh Civil Service (Conduct) Rules 1964.***
- II. That Sri B.Radhaiah, STO formerly at the District Treasury Nellore, Nellore District failed to furnish I to VI proforma property statements even after several reminders and thereby contravened Rules 9(8) of Andhra Pradesh Civil Service (Conduct) Rules 1964.***

(P.T.O)

III. That Sri B.Radhaiah, STO formerly at the District Treasury Nellore, Nellore District while working in various capacities during the period from 09.06.1996 to 26.09.1998 acquired movable and immovable assets either in his name and in the names of his family members without intimating/taking prior permission from the competent authority and thereby contravened Rules (1) & (2) of Andhra Pradesh Civil Service (Conduct) Rules 1964.

3. Aggrieved by the above two orders, the individual filed O.A.No.4709 of 2002 before Andhra Pradesh Administrative Tribunal against the above orders as the orders were not in per procedure.

4. Meanwhile, in the Departmental Proceedings, a final Show Cause Notice duly proposing a punishment of withholding of 50% of his pension for a period of 10 years was issued to the individual in the reference 3rd read above.

5. On receipt of the above Show Cause Notice, the individual Sri B.Radhaiah, STO (Retd.) also filed O.A.No.3004 of 2004 challenging the Departmental proceedings dt.11.03.2004 and obtained interim orders to the effect that not to take further action on the Show Cause Notice issued by the Government pending disposal of the O.A.

6. The Hon'ble Andhra Pradesh Administrative Tribunal by its common order dt.09.12.2004 in O.A.No.4709/2002 and O.A.No.3004/2004 set aside the orders issued in G.O.Ms.No.357, Finance (Admn.I) Department, dt.15.03.2002 and G.O.Rt.No.587, Finance (Admn.I) Department, dt.15.03.2002 on the grounds that the enquiry was conducted subsequently by not giving ample opportunity to the applicant to defend himself and directed the respondents to release all the pensionary benefits due to the applicant as per his entitlement.

7. Government, after consulted with Government Pleader for Finance in Andhra Pradesh Administrative Tribunal, Hyderabad, filed two Writ Petitions vide W.P.Nos.19035 & 25640 of 2005 against the common orders of the Hon'ble Andhra Pradesh Administrative Tribunal in both the O.As.

8. In the reference 5th read above, the Court of the Special Judge for SPE and ACB Cases, Nellore, acquitted the individual from Criminal Case No.13 of 2001, on the grounds that the prosecution was failed to prove its case against the Accused Officer. The Director General, Anti-Corruption Bureau, in the reference 6th read above, has informed the Government that the Bureau is of the opinion that there are no grounds to prefer appeal against the acquittal judgment of the trial court.

9. In the reference 7th read above, the Hon'ble High court in its common order in W.P.No.19035 and 25640 of 2005, dt.31.12.2013 delivered the Judgment as follows:

In view of the reasons recorded by the Tribunal in the common order dt.09.12.2004, we are of the view that there is no merit in these writ petitions so as to interfere with the order of the Tribunal in O.A.Nos.4709 of 2002 and 3004 of 2004. Both the writ Petitions are accordingly dismissed. If the pension and other retiral benefits of respondent / applicant are not finalized, the same shall be finalized and paid to him within a period of three months from the date of receipt of this order.

10. In the reference 8th read above, Law Department advised to take a stand whether to file appeal on the order of High Court or to implement the Andhra Pradesh Administrative Tribunal order, dt.9.12.2004. The Government have decided to implement the above orders.

11. In the circumstances of the case, Government, after careful examination of the matter, hereby directed the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad to sanction Service Pension and other retiral benefits, consequent on his retirement on attaining the age of Superannuation in terms of Rule 45 of Andhra Pradesh Revised Pension Rules 1980 in respect of Sri B.Radhaiah, Sub Treasury Officer (Retd.), District Treasury, Nellore, duly adjusting the provisional pension already sanctioned/paid.

12. The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad shall take necessary action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.PREMACHAMDRA REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (FP)(FAC)**

To

1.SriB.Radhaiah,S.T.O.(Retd.),Harnathapuram,Nellore through the DTA, A.P., Hyderabad.

2.The Director of Treasuries and Accounts Department, Andhra Pradesh, Hyderabad

3.The Principal Accountant General(A&E), Andhra Pradesh, Hyderabad

Copy to:

4.ThePeshi of Hon'ble Minister for Finance

5.ThePeshi of Principal Secretary (FP).

6.The Pay and Accounts Officer, Hyderabad
SF/SC's.

//FORWARDED::BY ORDER//

SECTION OFFICER